

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG DIVISION

U.S. DISTRICT COURT  
FILED AT WHEELING, WV  
DEC 14 2007  
NORTHERN DISTRICT OF WV  
OFFICE OF THE CLERK

ZURICH AMERICAN INSURANCE  
COMPANY, a New York corporation,

Plaintiff,

v.

Civil Action No.: 3:06-CV-70

BEVERLY HILDRETH, Administratrix  
Of the Estate of Jody Lee Lucas and  
JANE DOE, Administratrix of the Estate of Lyle  
J. Knipple,

Defendants.

**AGREED ORDER EXTENDING DISPOSITIVE MOTION DEADLINE**

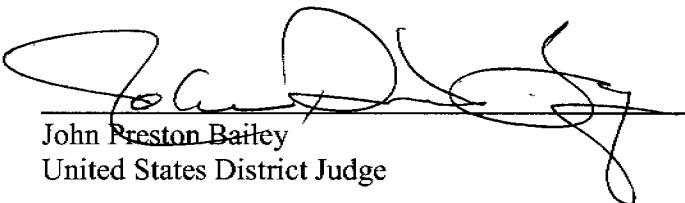
COME NOW, all of the parties hereto, by their respective counsel, upon their joint motion to extend the deadline for Dispositive Motions.

The Amended Scheduling Order entered herein on June 14, 2007 (Doc. No. 58) provides that Dispositive Motions shall be filed on or before December 17, 2007. The above captioned matter is a declaratory judgment action on a commercial automobile policy issued by the Plaintiff, Zurich American Insurance Company. The Defendant, Beverly Hildreth, Administratrix of the Estate of Jody Lee Lucas, has already filed a Motion for Summary Judgment as to the liability coverage of that policy, which motion has been denied. There is now pending a motion by Zurich American for summary judgment on the liability coverage of that policy. The parties agree that in the event that Zurich's pending motion would be granted there would remain the issue of potential UM Coverage under the Zurich policy.

Despite their disagreements about the existence of coverage under either the liability or the UM provisions of the policy, the parties are in agreement that judicial economy favors obtaining a ruling on the issue of the liability coverage before litigating the issue of the UM coverage. Accordingly, by agreement of the parties, and by Order of this Court, it is hereby ORDERED and ADJUDGED that the parties shall have 30 days to file further Dispositive Motions (related to the UM Coverage) from the day the Court rules on Zurich's pending Motion for Partial Summary Judgment.

The Clerk is directed to transmit copies of this order to all counsel of record herein.

Dated this 13<sup>th</sup> day of December, 2007.



John Preston Bailey  
United States District Judge

Prepared by:

/s/ Mark Jenkinson

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